

II. REMARKS

In the most recent Office Action in this case dated March 21, 2007, the Examiner rejected claims 6-9 as being anticipated by either *Anderson* or *Wenander*. He also rejected claims 11-16 as being obvious over *Wenander* and claims 1-5, 10, and 17 as being obvious over *Anderson* or *Wenander*. All rejections were made final. Lastly, he required that the Applicant cancel claim 20 and 21.

By this response Applicant has canceled all pending claims 1-17, 20-21 and has submitted new claims 22-40 for examination. Applicant has also submitted herewith a Request for Continued Examination (RCE) and a Petition for 3-Month Extension of Time for filing a response to the Office Action.

Initially, the Examiner should note that new claims 22-32 are directed toward the invention referred to in the specification as a vacuum mat and illustrated in Figs. 11-14 of the application. Of the references cited by the Examiner, *Wenander* is probably the most relevant to this invention. While the present invention and that of *Wenander* are related given that they are both directed toward a vacuum operated system for moisture removal, they have significant structural differences. *Wenander* discloses a vacuum operated apparatus for removing surplus water for drying concrete. One embodiment of that invention illustrated in Fig. 2 of the patent includes a cover 2 connectable to a vacuum source and a sheet 8 having a


25315

CUSTOMER NUMBER

6

INJS-1-1003RFOA9-20-07

BLACK LOWE & GRAHAM^{PLLC}


701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

plurality of elevations 9 interspersed with randomly distributed perforations 7. Note that these perforations engage the underside of cover 2. While the present invention includes a vacuum mat having a “first section including an array of protrusions,” these protrusions are distinguished from *Anderson* in that they are required to be “engageable with the structural surface” from which moisture is to be removed. Moreover, the “first section” including the array of protrusions is required to be “non-porous” whereas sheet 8 of *Wenander* is clearly porous in nature. Further, the array of protrusions of the present invention are stated to be “for supporting a mat on the structural surface” from which water is being drawn, whereas in *Wenander* the perforations perform no such function.

The reasons for these structural differences are seen in the differences in the operations of *Wenander's* device and the present invention. In *Wenander*, moisture is to be drawn upward from the concrete surface through the perforations of sheet 8 to screen out concrete debris, whereas the present invention, moisture flows laterally above the surface of the structure from which moisture is being drawn through the myriad of spaces between the underside of the mat and the concrete surface toward a vacuum port. Accordingly, the present invention is patentably distinct from *Wenander*. Moreover, it would not be obvious to modify *Wenander* to obtain the present invention. If *Wenander's* sheet were substituted for the mat of in the present invention, it would not function as intended without a cover such as cover 2.

25315

CUSTOMER NUMBER

7

INJS-1-1003RFOA9-20-07

BLACK LOWE & GRAHAM ^{PLLC}



701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

However, the present invention includes no such cover, and adding a cover would be disadvantages because it would add weight, complexity, and cost to the structure.

Anderson discloses a cleaning system for textiles such as rugs and carpets in which a plurality of vacuum tubes are incorporated within the structure of the textile or the textile is disposed atop a vacuum chamber. Both systems permit dirt to be drawn from the textile and discharged into a disposal system. None of the embodiments described in *Anderson* appear to disclose a vacuum mat accordingly to new claims 22-32. Particularly, none of them disclose the vacuum mat having a “non-porous section...including an array of protrusions engageable with the structural surface....” from which moisture is to be drawn nor which “supports the mat on the structural surface.” Accordingly, the invention accordingly to claims 22-32 is not anticipated by *Anderson*. Moreover, there is simply no teaching or suggestion in *Anderson* either by itself or combination with any of the other cited references, to modify *Anderson* to obtain the present invention.

Finally, the invention accordingly to new claims 33-40 is directed toward the “interplane vacuum chamber” illustrated in Figs. 7-9 of the application. None of the references previously cited in this case appear to be related to an apparatus for drawing moisture from and around the intersection of two surfaces such as a wall and a floor as does the present invention. Particularly, none of them show a vacuum chamber which is sealably


25315

CUSTOMER NUMBER

8

INJS-1-1003RFOA9-20-07

BLACK LOWE & GRAHAM ^{PLLC}


701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

engageable with two substantially orthogonal structural surfaces according to claim 33. Neither do they disclose or suggestion a vacuum chamber having a plurality sealing surfaces according to in new claims 36-38. Accordingly, Applicant contends that claims 33-40 are patentable over all of the references cited herein, either individually or in combination.

In summary, the Applicant believes that none of the references cited by the Examiner, either singularly or in combination, disclose or suggest the invention now claimed and that the invention is patentable over all prior art cited by the Examiner or known to the Applicant. Accordingly, the Applicant requests that the Examiner re-examine this application in view of the above amendments and remarks, withdraw all rejections and objections of record, and allow each of the claims now proposed. In the event additional fees are due as a result of this amendment, you are hereby authorized to charge such payment to Deposit Account No. 501050.

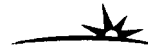
25315

CUSTOMER NUMBER

9

INJS-1-1003RFOA9-20-07

BLACK LOWE & GRAHAM ^{PLLC}



701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301